

## UNITED STATES DISTRICT COURT

for the  
District of Massachusetts

United States of America

v.

Matthew J. Kuc

Defendant(s)

Case No.

10-172 LTS

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 1, 2005 - December 14, 2010 in the county of Bristol in the  
District of Massachusetts, the defendant(s) violated:*Code Section**Offense Description*

18 USC Section 1343

Wire Fraud

18 USC Section 2314

Interstate Transportation of Stolen Property

18 USC Section 2315

Storage and Sale of Stolen Property in Interstate Commerce

This criminal complaint is based on these facts:

See Attached Affidavit of Kenneth C. Heitkamp

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: Dec. 14, 2010City and state: Boston, MA

Complainant's signature

Kenneth C. Heitkamp, FBI Special Agent

Printed name and title

Judge's signature

Leo T. Sorokin, U.S. Magistrate Judge

Printed name and title



**AFFIDAVIT OF KENNETH C. HEITKAMP**

I, Kenneth Carl Heitkamp, being first duly sworn, hereby depose and state as follows:

**I. INTRODUCTION**

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI") assigned to the Boston Field Office and have been so employed since November 1995. I am currently assigned to the Lakeville Resident Agency, where I investigate white collar crimes. I have directed, conducted and participated in many investigations of criminal violations of various federal laws. During the course of these investigations, I have executed search and arrest warrants, utilized informants, interviewed witnesses, and conducted surveillance. I am authorized to investigate violations of the laws of the United States, and I am a law enforcement officer with authority to execute search warrants issued under the authority of the United States.

2. Prior to becoming a Special Agent of the FBI, I worked for the Internal Revenue Service as a Revenue Agent for approximately five years and before that I worked for a CPA firm located in New York State. I am a registered Certified Public Accountant in the State of New York.

3. I am the FBI case agent responsible for coordinating a joint FBI/IRS/North Attleboro Police Department investigation focused on Matthew Kuc's scheme to defraud various computer companies from 2005 through the present by means of interstate wire communications, in violation of 18 U.S.C. §§ 1343 (wire fraud), 2314 (interstate transportation of stolen property), 2315 (storage and sale of stolen property in interstate commerce), and 2 (aiding and abetting). As explained more fully below, the investigation has determined that Matthew Kuc has defrauded various computer companies, including Dell, Inc., Lenovo USA, Hewlett-Packard, and

3COM, by obtaining computer components from them under false pretenses, selling the components using eBay, and retaining the proceeds for himself.

4. I submit this affidavit in support of a criminal complaint and warrant to arrest Matthew Kuc.

5. This affidavit is based on statements made to me by witnesses and others assisting with the investigation, the review of documents, including bank and other financial records, public records checks, evidence seized during the execution of a search warrant, and my own knowledge, training and experience. This affidavit does not detail all of the facts known to me regarding this matter, but instead relates only those facts that I believe are necessary to establish probable cause for issuance of the requested warrant.

**II. PROBABLE CAUSE TO BELIEVE THAT MATTHEW KUC IS COMMITTING FEDERAL CRIMES**

6. Matthew Kuc is a 31 year old man. The Massachusetts Registry of Motor Vehicles lists 36 Laurelwood Drive, North Attleboro, Massachusetts ("Kuc Residence") as Matthew Kuc's residence on his driver's license record and his vehicle registrations. Matthew Kuc was present at this address when I and others executed a search warrant on the morning of December 14, 2010. As set forth herein, Matthew Kuc works at Sensible Computer and Supplies, Inc., 247 Maple Street, Attleboro, Massachusetts 02703 ("Sensible Computer").

7. Tadeusz Kuc is a 60-year-old man. According to INS records and Matthew Kuc's statement to UPS store personnel, discussed below, Tadeusz Kuc is Matthew Kuc's father. The Massachusetts Registry of Motor Vehicle lists the Kuc Residence as Tadeusz Kuc's residence on his driver's license record and his vehicle registrations.

8. The evidence detailed below establishes that Matthew Kuc is using aliases and different shipping addresses to fraudulently obtain computer components from Dell, Hewlett-Packard, Lenovo, and 3COM; selling these components through an eBay store called "totalassetrecovery"; and using his residence at the Kuc Residence to conduct the fraud and ship the components to his customers.

9. Specifically, there is probable cause to believe that Matthew Kuc is using aliases identified throughout this Affidavit when contacting computer companies to fraudulently obtain computer components by telling the computer companies that he needs a warranty replacement for a defective computer component that he fraudulently pretends to own or have the right to service. Matthew Kuc then directs the computer companies to ship the replacement part to one of three addresses: the Kuc Residence; 2130 Mendon Road, Suite 3-377, Cumberland, Rhode Island, 02864, which is a mailbox at a U.P.S. store (the "UPS Mailbox"), and Sensible Computers, at 247 Maple Street, Attleboro, Massachusetts. Thereafter, Matthew Kuc sells the computer components through his eBay store, totalassetrecovery.

A. Introduction to the Fraud: Dell Computer Components

10. The first part of the fraud — how Kuc obtains computer components fraudulently — can be understood most easily by considering a recent transaction Kuc had with Dell, a computer company. On July 6, 2010, an individual who identified himself as Mark Cook contacted Dell's customer service department via a chat session<sup>1</sup> and said that he was having problems with a Dell LCD monitor identified by the service tag number J437FD1. A Dell

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<sup>1</sup> A chat session is an Internet-based communication based on a series of textual messages sent between the parties in real time. Dell relates that it has no customer service centers located in Massachusetts.

customer service representative checked Dell's internal records and confirmed that the monitor was still under warranty. The representative told Cook that the company would send him a replacement, per its usual warranty replacement policy, and that Cook should return the malfunctioning monitor.

11. When the Dell customer representative asked "Mark Cook" where he wanted the replacement sent, Cook provided the address of the UPS Mailbox. According to MapQuest, the UPS Mailbox is approximately 9 miles from Kuc's residence at the Kuc Residence in North Attleboro, MA. Cook also provided the customer service representative with the phone number xxx-xxx-4556 and the e-mail address [mcook@arrowapp.com](mailto:mcook@arrowapp.com). Per Dell's records, the IP address used by Cook during this chat session was 76.19.186.143<sup>2</sup> and the replacement part was shipped to Cook at the UPS Mailbox on July 6, 2010. Also per Dell's records, Cook never returned the "damaged" Dell LCD monitor to Dell.

12. Subsequent investigation determined that Cook did not own this monitor, it was not in his possession, nor had it been entrusted to him for repairs or warranty service. Per Dell's records, the Dell Precision workstation associated with this service tag number was purchased by Sundt Construction out of Phoenix, Arizona. When the North Attleboro police contacted Sundt Construction personnel regarding this workstation, on August 23, 2010, Sundt's senior vice president and general counsel related that Sundt still has this workstation, the company did not

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<sup>2</sup> An IP address is a unique set of four numbers ranging from 0 to 255 (written as number1.number2.number3.number4), which the Internet uses to identify the location of a computer or other network connection device on the Internet. When you type in the alphanumeric address of a website, such as [www.cnn.com](http://www.cnn.com), your computer consults a table on the Internet to determine the IP address to which that alphanumeric address corresponds, and then routes communications to that IP address.

make this warranty claim, and they do not have anyone working at Sundt under the name Mark Cook, Matt Kuc or any of the other aliases used by Kuc.

13. In fact, as set forth below, there is evidence that “Mark Cook” was in fact an alias used by Matthew Kuc, and that Matthew Kuc ordered the part from Dell while located at the Kuc Residence, including the following:

***The Shipping Address Provided to Dell is Tied to Matthew Kuc and the Target Premises***

a. First, Matthew Kuc is associated with the UPS Mailbox, which Cook provided to Dell as the shipping address for the replacement part. The UPS Mailbox is located at a U.P.S. store in Cumberland Rhode Island.<sup>3</sup> According to the store’s manager, Aurelia Donovan, Matthew J. Kuc is renting the UPS Mailbox. If the store receives packages too big to be placed in Kuc’s mailbox, they hold the package behind the counter until someone picks up the package. On Kuc’s “Mailbox Service Agreement,” Matthew Kuc listed his company as Cyon Data Systems and provided the address of Matthew Kuc’s residence at the Kuc Residence. Also on this Mailbox Service Agreement, Matthew Kuc listed the phone number xxx-xxx-7082 and the e-mail address [matt@cyonisp.net](mailto:matt@cyonisp.net). Each customer who rents a mailbox at the store is required to provide two forms of identification. Donovan provided copies of the identifications that Matthew Kuc presented when he opened the mailbox; specifically, a copy of Matthew Kuc’s AAA membership card and his Massachusetts driver's license. The license listed his address as

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<sup>3</sup> As set forth above, the UPS Mailbox is listed as 2130 Mendon Road, Suite 3-377 in Cumberland, Rhode Island. Donovan has confirmed that the street address is the address of the UPS store and the “Suite” references the store and the specific mailbox rented by Matthew Kuc. Per Donovan, at 2130 Mendon Road there are four businesses located in this strip mall. Suite 3, the UPS store, is the third business in this strip mall. 377 is Kuc’s mailbox number.

the Kuc Residence.

b. According to Donovan, per store policy, Matthew Kuc and his father, Tadeusz Kuc, are the only two people authorized to pick up packages from the UPS Mailbox. Donovan provided copies of the identifications that Tadeusz Kuc provided to the store as well; specifically, his AAA membership card and Massachusetts driver's license. The driver's license lists his full name as Tadeusz Josef Kuc and his address as the Kuc Residence. Donovan also reports that, when Matthew Kuc opened the UPS Mailbox, he requested that an e-mail be sent to matt@cyonisp.net each time a package was delivered. Based on that request, each time a package arrives at the UPS Mailbox, an employee of the U.P.S. store emails Matthew Kuc at matt@cyonisp.net, after which Matthew Kuc's father, Tadeusz Kuc, picks up the package.

***The Telephone Number Provided to Dell is Tied to Matthew Kuc and the Target Premises***

c. Second, the telephone number that Matt Cook provided Dell, xxx-xxx-4556 (the "Kuc Residence Telephone Number"), is associated with Matthew Kuc. The Kuc Residence Telephone Number is administered by Vonage, an Internet-based telephone service. In October 2010, Vonage provided records that state that this telephone number had been assigned to an account maintained by Matthew Cook at the UPS Mailbox from June 2, 2010 to August 9, 2010. Matthew Cook provided Vonage the contact number of xxx-xxx-5418 and the e-mail address matt@cyonisp.net. As discussed in subparagraphs a and b above, Matthew Kuc rents the UPS Mailbox and Matthew Kuc provided the e-mail address matt@cyonisp.net when he opened the UPS Mailbox – the same e-mail address "Cook" provided to Vonage when he subscribed to/applied for/opened the account for the Kuc Residence Telephone Number.



***The IP Address Used to Contact Dell is Tied to Matthew Kuc and the Kuc Residence***

d. Third, the IP address that Cook used to contact Dell, 76.19.186.143 (the “Kuc Residence IP Address”), has also been tied to Matthew Kuc at the Kuc Residence. The Kuc Residence IP Address is administered by Comcast. According to Comcast’s records, from March 23, 2010 through September 22, 2010, the subscriber for this IP address was Tadeusz Kuc, Matthew Kuc’s father, at the Kuc Residence, using telephone number xxx-xxx-4231.

e. The Kuc Residence IP address was also used by Vonage to provide “Matt Cook,” a/k/a Matthew Kuc, telephone service at the Kuc Residence Telephone Number – the same number that “Mark Cook” had given Dell (Again, Vonage provides telephone service using an Internet connection rather than a standard telephone line). As set forth in subparagraph c, the Kuc Residence Telephone Number has been tied to Matthew Kuc and the Kuc Residence.

***The E-mail Address Provided to Dell is Tied to Matthew Kuc and the Kuc Residence***

f. Fourth, Cook told Dell that it could contact him at mcook@arrowapp.com (“Kuc’s E-mail Address”). According to publicly available sources, the administrative and technical contact for the arrowapp.com domain is Matthew Kuc at 247 Maple Street, Attleboro, MA,<sup>4</sup> telephone number xxx-xxx-4200, and e-mail address domain@cyonisp.net. According to publicly available information, the administrative contact for cyonisp.net, the domain for domain@cyonisp.net and matt@cyonisp.net – the e-mail address Matthew Kuc provided to the U.P.S. store – is Matt Kuc of Total Asset Recovery Inc. at the Kuc Residence, phone number

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<sup>4</sup> This is also the address and telephone number for Sensible Computers. Note that arrowapp.com’s administrative contact was changed to Kuc in November 2010, according to whois.domaintools.com and networksolutions.com.

xxx-xxx-7082 and e-mail address sales@totalassetrecovery.com. (See below for a description of how Total Asset Recovery has been independently linked to Matt Kuc.)

g. Matthew Kuc also provided the e-mail address matt@cyonisp.net to PayPal, in connection with PayPal account number ending in 8092. Matthew Kuc used his real name and Social Security number when opening this PayPal account.

h. In sum, the e-mail account mcook@arrowapp.com is tied to the domain cyonisp.net, for which Matthew Kuc at the Kuc Residence is the administrative contact. As set forth in subparagraphs b and h, Matthew Kuc also provided the e-mail address matt@cyonisp.net to the U.P.S. store and PayPal when opening accounts in his real name.

14. Based on the evidence set forth above and below, there is probable cause to believe that Matt Kuc ordered the Dell LCD monitor on July 6, 2010, with fraudulent intent.

15. Dell provided investigators with details of at least four other transactions for which there are grounds to believe that Matt Kuc ordered Dell components with fraudulent intent:

a.	Date:	July 6, 2010
	Customer name:	Fransico Samel
	Part:	Central processing unit (CPU)
	Service tag #:	75MKLD1
	Shipping address:	UPS Mailbox
	Telephone #:	Kuc Residence Telephone Number
	E-mail address:	Kuc's E-Mail Address
	IP address:	Kuc Residence IP Address

Shipping date: July 7, 2010

Part returned: No

True owner: Ear Studio

This transaction is tied to Matt Kuc by the shipping address, the telephone number, the e-mail address, and the IP address. And again, only Matthew Kuc and Tadeusz Kuc, not Francisco Samel, were authorized to pick up packages at this shipping address. Yet Dell's records state that the CPU associated with this service tag number was purchased by Ear Studio out of New York, New York. And on October 7, 2010 an Ear Studio employee confirmed that Ear Studio still has this CPU, the company did not make this warranty claim, and it does not have anyone working under the name Fransico Samel, Matt Kuc or any of Matthew Kuc's other aliases.

b. Date: October 3, 2010

Customer name: Sam Jenkins

Part: Hard drive

Service tag #: CL5JVH1

Shipping address: 2130 Monden Street, Suite 3-377, Cumberland, RI,  
02864 [Per public sources, there is no Monden  
Street located in Cumberland, RI, but "Monden  
Street" is very similar to "Mendon Road," the  
location of the UPS Mailbox.]

Telephone #: xxx-xxx-7986

E-mail address: [sjenkins@cyonisp.net](mailto:sjenkins@cyonisp.net)

IP address: Kuc Residence IP Address

Shipping date: October 4, 2010  
Part returned: No  
True owner: Larimer County Sheriff's Office

This transaction is tied to Matthew Kuc by the IP address, the domain for the e-mail address, and the shipping address. Yet Dell's records indicate that the hard drive associated with this service tag number was purchased by the Larimer County Sheriff's Office out of Fort Collins, Colorado. On October 12, 2010, the Larimer County Sheriff's Office's computer services manager informed me that the office still has this hard drive, which is sitting in his office, that the office did not make this warranty claim, and they do not have anyone working at Larimer County Sheriff's Office by the name Sam Jenkins, Matthew Kuc or any of Matthew Kuc's other aliases.

c. Date: June 29, 2010  
Customer name: Andrew Finegold  
Part: Laptop motherboard  
Service tag #: 28DKLD1  
Shipping address: UPS Mailbox  
Telephone #: Kuc Residence Telephone Number  
E-mail address: Kuc's E-mail Address  
IP address: Kuc Residence IP Address  
Shipping date: June 29, 2010  
Part returned: No  
True owner: Texas Propane

This transaction is tied to Matthew Kuc by the shipping address, telephone number, e-mail

address, and IP address. Yet Dell's records indicate that the laptop associated with this service tag number was purchased by Texas Propane out of Rockdale, Texas. On October 13, 2010, a Texas Propane employee advised that the company purchased this laptop for the owner's daughter, who is going to school at Texas A&M University, and she currently has this laptop in her possession. The employee also advised that neither Texas Propane nor the owner's daughter made this warranty claim and they do not have anyone by the name Andrew Finegold, Matthew Kuc or any of Matthew Kuc's other aliases.

d.	Date:	March 29, 2010
	Customer name:	Tod Clark
	Part:	Dell Power Vault Tape Drive
	Service tag #:	8K72GC1
	Shipping address:	Sensible Computers
	Telephone #:	xxx-xxx-2233
	E-mail address:	<u><a href="mailto:todc@cyonds.com">todc@cyonds.com</a></u>
	IP address:	Kuc Residence IP Address
	Shipping date:	March 29, 2010
	Part returned:	No
	True owner:	Louisiana State University

This transaction is tied to Matthew Kuc by the IP address, telephone number,<sup>5</sup> and shipping

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<sup>5</sup> According to records from Vonage, at the relevant time, telephone number xxx-xxx-2233 was assigned to Vonage account number xxxxxx5152 in the name of Matthew Cook at the UPS Mailbox. This is also the same account number to which the Kuc Residence Telephone Number was assigned.

address<sup>6</sup> Yet Dell's records indicate that the power vault tape drive associated with this service tag was purchased by Louisiana State University (LSU) in Baton Rouge, Louisiana. On July 28, 2010, an LSU employee confirmed that LSU still has this power vault tape drive, they did not make this warranty claim, and they do not have anyone working at LSU by the name Tod Clark, Matthew Kuc or any of the other aliases used by Kuc.

16. Dell has also provided records stating that between September 4, 2010 and September 28, 2010, Dell made 54 shipments to the Kuc Residence in response to requests for replacement parts made by "Frank Gates" and "Sam Jenkins."

17. Dell estimates that it has shipped more than 4,000 warranty-replacement components to addresses associated with Matthew Kuc (the Kuc Residence, the UPS Mailbox and Sensible Computer) since 2006.

**B. Similar Fraud on Hewlett-Packard**

18. Hewlett-Packard, another large computer company, has also provided information giving grounds to believe that Matthew Kuc has run the same fraud against that company. In September 2009, Joe Fallon, an investigative manager for Hewlett-Packard, advised investigators that Hewlett-Packard had developed information that Matthew Kuc, who Fallon identified as residing at the Kuc Residence, had fraudulently obtained well over \$100,000 worth of Hewlett-Packard products. Matthew Kuc, Fallon explained, had developed a scheme in which he contacted Hewlett-Packard's customer service department and claimed that he was experiencing

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<sup>6</sup> As set forth above, 247 Maple Street, Attleboro, MA 02703 is the address for Sensible Computers. On November 30, 2010, an employee of Sensible Computers told an undercover employee of the North Attleboro Police Department that Matthew Kuc works at Sensible Computers. As set forth below, an employee of Sensible Computers also told Hewlett-Packard investigators that, as of April 10, 2009, Matthew Kuc was working at Sensible Computers.

difficulties with various computer components that were under warranty. According to Fallon, after a Hewlett-Packard customer submits a claim for a faulty computer component still under warranty, the company immediately ships a replacement part with the understanding that the customer will return the faulty piece of equipment to Hewlett-Packard. The company's investigation revealed that Matthew Kuc had failed to return at least 140 parts and products whose cost ranged from \$46.66 to \$2,331.14.

19. Fallon reported that, in mid-2008 when Hewlett-Packard investigators questioned Matthew Kuc about ownership of one of the faulty computer components – a Hewlett-Packard Procurve – Matthew Kuc provided a counterfeit proof of original purchase. Specifically, after Hewlett-Packard investigators asked for a proof of purchase, Matthew Kuc provided the investigators with an invoice allegedly from a company called "True Data Inc." showing that he purchased a Hewlett-Packard Procurve from "True Data, Inc." in 2006. The invoice stated that "True Data Inc." was located at 42 Union Street, Attleboro, MA. Hewlett-Packard investigators became suspicious of this invoice because underneath the name "True Date Inc." were the words "Your Company Slogan," which led them to believe that the invoice had been faked. Hewlett-Packard investigators went to 42 Union Street and found five businesses, but none were named "True Data Inc." Hewlett-Packard investigators interviewed employees of the five businesses located there, none of whom were familiar with a company named "True Data Inc." located at this location in 2006. A representative at the Attleboro Chamber of Commerce also stated that they never heard of True Data Inc.

20. Fallon also advised that, during this scheme, Matthew Kuc used several aliases — including Matthew Cookie, Matt Cook, Dan Conners, Mark Conell, John Reynolds, Tad Kuc,

Pad Cook, Tad Cook, and Matthew J. Cook — and also changed his address ever so slightly — from the Kuc Residence at 36 Laurelwood Drive, North Attleboro, MA to variants thereof, including 36 Lourelwood Drive, North Attleboro, MA; 36 Laurel-Wood Drive, North Attleboro, MA; and 3-6 Laurelwood Drive, North Attleboro, MA — most likely so that Matthew Kuc's requests would bypass the company's fraud-control mechanisms.<sup>7</sup>

21. Fallon stated that Hewlett-Packard investigators had also visited the Kuc Residence, which he described as a private residence located in a residential neighborhood, and asked to speak to Matt Cook. The individual who answered door identified himself as Tad Cuk and stated that Matt Cook was his son-in-law but he was not at home. When the Hewlett-Packard investigators explained to Tad Cuk why they wanted to speak to Matt Cook, Tad Cuk said that he would have his son-in-law contact them. Matt Cook or Matt Kuc never contacted the Hewlett-Packard investigators.

22. Fallon advised that in addition to directing Hewlett-Packard to deliver components to the Kuc Residence, Matthew Kuc had also had the components delivered to his place of part-time employment, Sensible Computers. Hewlett-Packard records show that an individual who calls himself variously Mark Conell, Mark Cerra and Matthew Cook has been shipped over 80 parts under warranty worth more than \$77,690 at Sensible Computers, but has not returned any of the allegedly defective parts. An employee of Sensible Computers told

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<sup>7</sup> Hewlett-Packard tied these aliases and addresses to Matthew Kuc when they noticed that an individual who claimed to be Tad Cuk or Matt Cook, of the Kuc Residence, had submitted warranty claims but not returned the defective components. When Hewlett-Packard looked up "Tad Cuk" and "Matt Cook" in the company's database, it identified the additional addresses that Matthew Kuc was using. When Hewlett-Packard ran these additional addresses in their database, it identified the additional aliases that Matthew Kuc was using.



Hewlett-Packard that nobody named Mark Conell worked there, but that they did employ someone named Matthew Kuc. Hewlett-Packard reviewed their UPS shipping records made to Sensible Computers and found that Matthew Kuc had signed for 34 of these shipments.

23. In June 2010, Hewlett-Packard discovered that a customer named Matt Cook had requested a replacement for a part still under warranty. Cook requested that the replacement be shipped to the UPS Mailbox, and provided the Kuc Residence Telephone Number for 39 of 57 similar shipments. For the remaining shipments, Kuc provided a phone number for which the investigation lacks any records. But for all 57 shipments, Kuc used the UPS Mailbox address. In September 2010, Hewlett-Packard ran this address through their database and found that someone using the aliases Matt Cook, Mark Conners, Mark Porter, Dan Summers and Ryan Davis, had received 57 shipments there worth a total of approximately \$43,702.79.

C. Similar Fraud on 3COM: Discovery of Kuc's eBay Store to Fence the Fraudulently-Obtained Components

24. In December 2009, the North Attleboro Police Department met with two representatives from 3COM, another large computer company, at the Attleboro Police Department. The 3COM representatives spelled out a pattern that matched the pattern reported by Dell and Hewlett-Packard. Specifically, the 3COM representatives confirmed that 3COM, like Dell and Hewlett-Packard, sends a replacement part out before the faulty part is returned and that an individual named Matthew Kuc, using the email addresses medit@cyonds.com and matt@cyonisp.net, had been submitting requests for commercial computer components that were supposed to be under warranty. Matthew Kuc either failed to return the defective components or returned components that did not match or had the serial number scratched off. 3COM even

contacted Matthew Kuc once, asking for the damaged computer components, and Matthew Kuc mailed back some "junk" that did not match what 3COM had sent him. Matthew Kuc used the aliases Matthew Cookie, Matt Cook and Dan Conners, and had the equipment shipped to Sensible Computers and the Kuc Residence. 3COM estimated that Matthew Kuc had fraudulently obtained 11 components valued at over \$68,000.<sup>8</sup>

25. The 3COM investigators also said that while searching eBay, they spotted an eBay store selling 3COM components that matched components that 3COM had sent Matthew Kuc or one of his aliases. An eBay store is a special part of eBay in which a seller can display all the items he has for sale and tell customers more about his business through his own customized web-page. The eBay store that 3COM noticed was named "totalassetrecovery."

26. On or about October 28, 2009, the 3COM investigators independently conducted an undercover buy and purchased three 3COM components from totalassetrecovery. When the 3COM investigators received the components, they looked up the components' serial numbers to verify their history. The serial number for one component matched that of a component that had been sent out to one of Matthew Kuc's aliases, Matthew Cookie, free of charge, under the guise

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<sup>8</sup> 3COM tied these aliases and addresses to Matthew Kuc when they noticed that an individual was selling 3COM components at the eBay store totalassetrecovery, near cost. After noticing this, 3COM made an undercover purchase of three 3COM components being sold at eBay store totalassetrecovery, two 3COM phones and one 3COM switch. When the items purchased by 3COM were received, the UPS shipping label attached to this purchase stated that these items were shipped from Matt Kuc, 36 Laurelwood Drive, North Attleboro, MA, 02760. When 3COM ran the serial number associated with the 3COM switch, to get a history on this switch, 3COM found that this switch was a warranty replacement that 3COM had sent to Matthew Cookie, 247 Maple Street, Attleboro, MA, 02703. 3COM then ran Matthew Cookie's name and the two addresses and found that 3COM had shipped eleven warranty replacement switches to these addresses. Investigators then visited the 247 Maple Street and the 36 Laurelwood Drive address and determined that Matthew Kuc was the individual who was selling these 3COM components at eBay store totalassetrecovery.

that it was a warranty replacement part, and for which Matthew Kuc did not return any faulty parts. The 3COM investigators have been unable to determine where the other two components that they purchased from totalassetrecovery and Matthew Kuc came from. Per 3COM, they ran the serial numbers for the two phones they purchased from Kuc but they found no records associated with these serial numbers. They could not explain why they found no records for these phones, other than the possibility that Kuc had obtained the phones before the serial numbers were entered into 3COM's system.

27. In March 2010, I reviewed totalassetrecovery's list of computer components for sale and saw that in addition to selling Hewlett-Packard and 3COM components, it was also selling components manufactured by IBM, Dell and Lenovo. I sent these companies a list of known aliases used by Matthew Kuc and the Kuc Residence and the Sensible Computers addresses. IBM reported that it had no dealings with Matthew Kuc or any of the aliases or addresses. Both Dell and Lenovo, however, reported that someone using the Kuc Residence and the Sensible Computers addresses had obtained computer components from them by fraudulent means. Much of the information provided by Dell is set forth above.<sup>9</sup>

28. Lenovo reported that it had shipped over \$115,000 in components to Wildmoon Studios, Quad Man Studios, Arrow App Software, Arrowapp Software, Compu Help, Sensible IT, Med IT Corp, Bio IT Services, North Atlantic IT, Cyonds, Ideal Computer, GMD Inc., KD Group, Laundey, NEIT, Avaka Software, Cyon ISP, Data 3 Networks, Iron Data, Mark Pearlman, Mark Pearman, Mark Pearoman, Marc Pearlman, Mike Pearlman, Dan Conner, Mark Conners,

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<sup>9</sup> Since I contacted them in March 2010, as set forth above, Dell has reported that Matthew Kuc is requesting that packages be delivered to the UPS Mailbox.

Dan Clark, Mark Clark, Jim Clark, Jim Park, Ted Collin, Ted Cobin, Rick Naples, Tad Cook, Matt Cook, Joe Cook, Jeff Cook, Joe Cook, Jay Cook, Chad Corke, Tad Corke, Tad Cork, Jay Cooke, Matt Cooke, Joe Cooke, Tad Cookie, Sam Staling, Sam Stallings, Joe Stallings, Joe Stalling, Joe Spelling, Joe Selling, Joe Staling, Joe Stalin, Frank Gates and Matt Scott, at the following addresses: 36 Laurelwood Drive, North Attleborough, MA (the Kuc Residence); 3-6 Laurelwood Drive, Attn: IT Dept, North Attleboro, MA; 36 Laurel-Wood Drive, North Attleboro, MA; 36 Louralwood Drive, North Attleboro, MA; 36 Loural Wood Drive, North Attleboro, MA; 36 Lavrelwood Dr, North Attleboro, MA; 36 Larel Wood Drive, North Attleboro, MA; 36 Larel Woods Drive, North Attleborough, MA; 36 Larelwood Drive, North Attleboro, MA; 36 Laurenwood Drive, N Attleboro, MA; 36 Laurailwood Dr, N Attleboro, MA; 36 Laurailwd Dr, N Attleboro, MA; 247 Mapli Street, Attleboro, MA; 2-47 Maple Street, Attleboro, MA; 247 Maples Street, Attleboro, MA (the address for Sensible Computers is 247 Maple Street in Attleboro, MA). Over approximately three years, Lenovo made 242 shipments to the aforementioned addresses and on only two occasions did the recipient return a computer component back to Lenovo.

D. Further Confirmation That Kuc Operates totalassetrecovery: eBay Records and Undercover Purchase

29. On April 29, 2010, an FBI undercover employee (UC) purchased three Dell SAS Powervault 110 Ultrim LT04 external storage devices from totalassetrecovery. The PayPal<sup>10</sup> receipt from this purchase indicated that totalassetrecovery uses the e-mail address

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<sup>10</sup> From my training and experience, I am aware that PayPal is an online business that allows people to transfer money over the Internet, to make and receive credit card payments, and to serve as an electronic alternative to checks and money orders.

nu3ro@yahoo.com. According to Yahoo, Matthew Kuc has been the subscriber on this e-mail account since 1999. On May 6, 2010, the components were delivered to the address used by the UC. The boxes' U.P.S. shipping labels stated that they had been shipped from Matt Kuc at the Kuc Residence.

30. On July 13, 2010, U.P.S. provided shipping records for the Kuc Residence. These documents state that the shipper number associated with this address was 339AY8 and the shipper's name was Tad Kuc. The documents also show that between June 1, 2005 and June 18, 2010, this account shipped more than 4,000 packages, including the ones received by the UC.

31. The UC purchase shows two things: that Matthew Kuc is associated with Totalassetrecovery and that Matthew Kuc ships goods from the Kuc Residence.

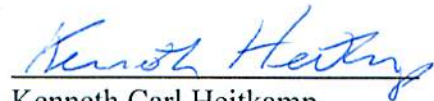
32. On July 13, 2010, eBay provided records pertaining to totalassetrecovery showing that the store is registered to Matthew J. Cook at the Kuc Residence, with telephone numbers xxx-xxx-7082 and xxx-xxx-4231. Per a search on google.com, this phone number belongs to Tadeusz Kuc, 36 Laurelwood Dr, North Attleboro, MA. The account had been opened on September 3, 2002, in the name of Matthew J. Kuc at the Kuc Residence but on December 16, 2008 the name had been changed to Matthew J. Cook.

33. Included in the eBay records were PayPal records. The PayPal records are in the name of Matthew Kuc and include Matthew Kuc's social security number, Matthew Kuc's e-mail account nu3ro@yahoo.com, and telephone numbers xxx-xxx-7082 and xxx-xxx-4231. The PayPal account was created on January 31, 2000, and has received more than \$1.7 million since its inception.

**III. RESULTS OF THE SEARCH OF THE KUC RESIDENCE**

34. On December 14, 2010, I and other agents executed a warrant, issued by this Court, to search the Kuc Residence. While at the Kuc Residence, I and other agents observed multiple pieces of computer equipment in boxes bearing shipping information that included some of the aliases listed above. Agents estimated that, partly through the search, there were over 150 such boxes. Based on this information, there is probable cause to believe not only that Matthew Kuc has committed the crimes identified above, but was in the process of committing them on this day.

Sworn to under the pains and penalties of perjury,



Kenneth Carl Heitkamp  
Special Agent  
Federal Bureau of Investigation

Sworn to and subscribed before me  
this 14<sup>th</sup> day of December, 2010,



LEO T. SOROKIN  
UNITED STATES MAGISTRATE JUDGE